

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: James Joseph Conaway aka James J. Conaway,
Jr.

Debtor(s)

CHAPTER 13

Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a
Quicken Loans Inc.

Movant

NO. 20-12378 AMC

vs.

James Joseph Conaway aka James J. Conaway, Jr.

Debtor(s)

Gilbert B. Rainer

Co-Debtor

11 U.S.C. Section 362 and 1301

Scott F. Waterman

Trustee

**MOTION OF ROCKET MORTGAGE, LLC F/K/A QUICKEN LOANS, LLC F/K/A
QUICKEN LOANS INC.
FOR RELIEF FROM THE AUTOMATIC STAY
UNDER SECTION 362 AND 1301**

1. Movant is Rocket Mortgage, LLC f/k/a Quicken Loans, LLC f/k/a Quicken Loans Inc..
2. Debtor(s) and Co-Debtor, Gilbert B. Rainer the owner(s) of the premises 2209 Fitzwater Street, Philadelphia, PA 19146, hereinafter referred to as the mortgaged premises.
3. Movant is the holder of a mortgage, original principal amount of \$143,800.00 on the mortgaged premises that was executed by the Debtor and Co-Debtor as co-mortgagors on May 29, 2012. The mortgage has been assigned as follows:

Mortgage Electronic Registration Systems, Inc., ("MERS") as nominee Quicken Loans Inc., to Quicken Loans Inc., dated 2/7/2014; recorded 2/18/2014.
4. Scott F. Waterman, is the Trustee appointed by the Court.
5. The commencement and/or continuation of the mortgage foreclosure proceedings by reason of non-payment of monthly mortgage payments were stayed by the filing of a Chapter 13 Petition in Bankruptcy by the Debtor(s).
6. Co-Debtor, Gilbert B. Rainer, who has not filed for Bankruptcy in this case, is liable on the mortgage loan secured by the aforesaid mortgage together with the Debtor.

7. As of October 19, 2023, the total payoff due on the mortgage is \$149,872.94.

8. Debtor(s) and Co-Debtor have failed to make the monthly post-petition mortgage payments in the amount of \$1,283.83 for the months of August 2023 through October 2023 with less of a suspense balance of \$1,223.62.

9. In addition to the other amounts due to Movant reflected in this Motion, as of the date hereof, in connection with seeking the relief requested in this Motion, Movant has also incurred legal fees and legal costs. Movant reserves all rights to seek an award or allowance of such fees and expenses in accordance with applicable loan documents and related agreements, the Bankruptcy Code and otherwise applicable law.

10. The total amount necessary to reinstate the loan post-petition is **\$2,627.87** (plus attorney's fees & costs).

11. Movant is entitled to relief from stay for cause.

12. This motion and the averments contained therein do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this motion, including fees and costs, due under the terms of the mortgage and applicable law.

WHEREFORE, Movant prays that an Order be entered modifying the Stay and permitting Movant to proceed with its mortgage foreclosure on the mortgaged premises, and to allow the Sheriff's Grantee to take any legal action to enforce its right to possession of the mortgage premises. Further, Movant prays that an Order be entered awarding Movant the costs of this suit, reasonable attorney's fees in accordance with the mortgage document and current law together with interest.

/s/ Mark A. Cronin , Esq.

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